

Department of Community and Culture  
Utah State Office of Ethnic Affairs



In an effort to inform and educate people living in Utah regarding the new Driver's License Law (Senate Bill 227), the Office of Ethnic Affairs in the Department of Community and Culture and the Department of Public Safety have created the following fact sheet to help explain the impact of this law:

***Senate Bill 227 -Public Safety Driving and Identification Card Amendments-***

**Questions and Answers**

**Q: What does this law do?**

A: This law revokes the use of an Individual Tax Identification Number (ITIN) issued by the Internal Revenue Service to obtain a Utah Driver's License or a State Identification Card. Those individuals using an ITIN will be issued a Driving Privilege Card rather than a "Driver's License".

**Q: When does this law begin?**

A: This law took effect on March 8, 2005. Driver's Licenses issued with an ITIN will expire on the person's next birthday after July 1, 2005. This means that they will need to obtain a Driving Privilege Card to drive legally in the state.

**Q: Are these Driving Privilege Cards only for Undocumented Individuals?**

A: **No.** Driving Privilege Cards are not only for those who are undocumented. Anyone who does not have a Social Security number is eligible to obtain this card to drive. This will also include individuals who are legally present but do not qualify for a Social Security number, such as foreign students, foreign military personnel, foreign Olympic athletes, etc.

**Q: Do you have to get a Driving Privilege Card if you have a valid Social Security number in your name?**

A: **No.** If you obtained your Utah Driver's License using a valid Social Security number and not an ITIN, you do not have to obtain the Driving Privilege Card.

**Q: Does the Driving Privilege Card allow you to get car insurance?**

A: **Yes.** The Driving Privilege Card not only allows you to get car insurance but requires it. Utah law requires anyone operating a vehicle to have car insurance. It is against the law to drive without car insurance. If you currently do not have car insurance, we encourage you to obtain it.

**Q: Can the Driving Privilege Card be used for Identification purposes?**

A: **Yes.** The Driving Privilege Card may be used to identify yourself **OUTSIDE** any governmental entity. This means that financial institutions and other private institutions may accept this Driving Privilege Card as identification. You may be able to use the Driving Privilege Card to cash your checks, open bank accounts, or make purchases at stores. Governmental entity means any county, city, town, school district, public transit district, redevelopment agency, special improvement or taxing district, special district created by an interlocal agreement and any state office, state department, state agency, authority, commission, board, institution, state hospital, state college or university, or children's justice center.

**Q: Will I have to present proof of work authorization to my employer again?**

A: **Maybe.** The I-9 form, the form that your employer is required to fill out before you begin employment requires that you present proof of authorization to work in this country. Normally employers request proof of work authorization at hire. However they have the discretion to request these documents again.

**Q: Is Utah the only state that has a Driving Privilege Card?**

A: **No.** The state of Tennessee has a very similar card and there are other states that allow individuals to use an ITIN to get a Driver's License. It is important to note that in the case of undocumented individuals, most states do not allow driving privileges.

**Q: Will my likelihood of being deported increase as a result of this law passing?**

A: **Not necessarily.** Although there is a lot of misinformation, this new law does not provide law enforcement officers any new or additional authority regarding immigration. Currently if you are stopped by law enforcement they can request your Driver's License and determine if you obtained it with an ITIN.

**Q: Will Immigration Customs Enforcement want to deport more individuals due to this law?**

A: Immigration authorities have stated that their priorities are terrorist and criminal aliens. As long as you have not committed a felony or there is no warrant for your arrest, the likelihood of you being deported is minimal. However, anyone who is undocumented runs the risk of being deported.

**Q: Do police officers have the right to ask for my legal status?**

A: **Yes.** It is not the practice of law enforcement officers to ask nationality or immigration status. However, under certain circumstances law enforcement officers can inquire about immigration status. You should always cooperate with law enforcement. An officer cannot stop you based solely on your race, ethnicity or national origin. If you feel this has occurred, please call the Office of Ethnic Affairs toll-free at 1-877-488-3233, ext. 672.

**Q: Should I take the risk and simply drive without a Driving Privilege Card?**

A: **No.** We strongly recommend that you obtain the Driving Privilege Card to be properly trained and insured in the state of Utah. Without a Driver's License or a Driving Privilege Card, you will not be able to obtain car insurance. If stopped by law enforcement, you may be ticketed for driving without a license or driving without insurance. As a result, court fines may be assessed. If you fail to appear in court, a warrant may be issued for your arrest. If you are arrested and taken into custody, you run the risk of an action through the Bureau of Immigration Customs Enforcement. We encourage everyone, regardless of legal status, to follow the law.